

REMARKS

Initially, in the Office Action dated June 15, 2004, the Examiner has rejected claims 1-3, 6, 8, 11, 12 and 16-22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,638,438 (Keen). Claims 4, 6, 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Keen in view of GB 2,332,293 (Jones et al.).

Claims 1-4, 6, 8, 11, 12 and 16-27 remain pending in the present application.

35 U.S.C. §102 Rejections

Claims 1-3, 6, 8, 11, 12, 16-22 and 25-27 have been rejected under 35 U.S.C. §102(b) as being anticipated by Keen. Applicant has discussed the deficiencies of Keen in Applicant's previously-filed responses and reassert all arguments submitted in these responses. Applicant respectfully traverses these rejections and provides the following additional remarks.

Regarding claims 1, 11 and 25-27, Applicants submit that Keen does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, selection means responsive to operation of the actuators for selecting from the menu a first item associated with the operated actuator, or where the control means is configured to control the user interface to provide, corresponding to the second menu level, a second menu selection comprising a second number of menu items in response to selection of the first item so that at least one menu item of the second menu selection represents a subset of the first item, the second number being less than the first number and the actuator operated is never associated with a menu item

of the second selection, or where the control means is configured to control the user interface to provide a second menu level, dependent upon the identity of the selected menu item, that has less menu items than the number of actuators and wherein one or more of the actuators, but never the operated actuator, are each associated with a different menu item of the second level. According to the present invention, the second menu level has less menu items than the number of actuators and the actuator operated in the first menu level is never associated with a menu item in the second menu level. In contrast, Keen does not disclose an apparatus for selecting an item from a predetermined set of items where the actuator operated in the first menu level is never associated with a menu item in the second menu level. As can be seen in Figs. 1 and 2 of Keen, the top left hand button 104A is used to select the family option in the first screen. After this selection, the screen shown in Fig. 2 is presented to the user. In this screen, the top left hand button 204A is used to select the name George. That is, the actuator operated in the first menu level is associated with a menu item in the second menu level.

Moreover, according to the limitations in the claims of the present application, the user interface provides for each of the menu items of the first level, when selected, a second menu level dependent upon the identity of the selected menu item, that has less menu items than the number of actuators and wherein one or more of the actuators but not the operated actuator, are each associated with a different menu item of the second level. In contrast, again referring to Keen Figs. 1, 2 and 3, the top left hand button 104A in Fig. 1 is used to select the family option in

the first screen. After this selection, the screen shown in Fig. 2 is presented to the user. In this screen, there are the same number of menu items as there are actuators. Furthermore, the operated actuator, the top left hand button, is associated with a menu item (George). The top left hand button 204A is used to select the name George. Therefore, the menu item George is associated with the actuator operated in the first menu level (the top left hand key).

According to the present invention, the actuator used to move from the first menu level to the second menu level will not be used in the second level. This provides the benefit that accidentally actuating the same actuator twice in succession will not select a menu item or enter another menu level inadvertently. This reduces the likelihood of the user selecting the wrong menu item. Furthermore, selecting a different actuator at each menu level means that the sequence of selections insures that the same action does not occur as a series. This makes the apparatus easier for the user to use.

Regarding claims 2, 3, 6, 8, 12 and 16-22, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Keen does not disclose or suggest a further menu selection including a plurality of items not exceeding the number of actuators or where the control means has been further configured to control the user interface to associate one of the actuators with a back function and on operation of the key associated with the back function to return from the second menu level to the first menu level.

Accordingly, Applicant submits that Keen does not disclose or suggest the limitations in the combination of each of claims 1-3, 6, 8, 11, 12, 16-22 and 25-27. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 4, 6, 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Keen in view of Jones et al. The deficiencies of Jones et al. were discussed in Applicant's previously-filed response, and Applicant reasserts all arguments submitted in this response.

Applicant submits that claims 4, 6, 23 and 24 are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. Applicant submits that Jones et al. does not overcome the substantial defects noted previously regarding Keen. For example, none of the cited references disclose or suggest the input comprising a multi-positional device, or the multi-positional device being a joystick.

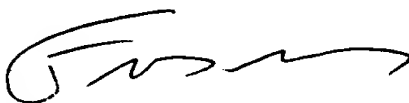
Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 4, 6, 23 and 24 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-4, 6, 8, 11, 12 and 16-27 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1156.40293TRN).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 312-6600